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Chapter No. 309
18/SS02/R726
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SENATE BILL NO. 2787

Originated in Senate Ling Welch Secretary

SENATE BILL NO. 2787

AN ACT TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT CERTAIN APPLICATIONS FOR THE PURCHASE OF STATE-FORFEITED TAX LAND MUST REMAIN ON FILE FOR 30 DAYS BEFORE THEY MAY BE ACTED UPON AND FINALLY APPROVED OR DISAPPROVED; TO AMEND SECTIONS 29-1-85 AND 29-1-87, MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROCEDURE FOR REFUNDS TO PURCHASERS OF AMOUNTS PAID TO THE STATE FOR PATENTS ON LAND THAT HAVE BEEN CANCELLED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 29-1-37, Mississippi Code of 1972, is amended as follows:

29-1-37 (1) Except as otherwise provided in subsection (2) of this section, any person desiring to purchase any state-forfeited tax land shall make application in writing to the Secretary of State for the purchase of * * * the land, and shall state in * * * the application:

(a) A correct description of the land sought to be purchased.

(b) The name of the former owner and the name of the person to whom * * * the land was assessed at the time of * * *

the tax sale, and the post office address of * * * the former owner and the post office address of the person to whom * * * the land was assessed at the time of * * * the sale, if known to the applicant.

(c) Whether or not * * * the land is occupied at the date of the filing of such application, and the name of the person occupying * * * the land, if any.

(d) The nature and value of the improvements on * * * the land.

(e) The approximate quantity of the merchantable timber on * * * the land, if any.

(f) Any other special information as the Secretary of State, with the approval of the Governor, may require.

Each application shall be signed by the applicant and shall contain a declaration that the statements and information submitted in the application are true and correct and are made under penalty of perjury. The Secretary of State may require any additional information with reference to the value of * * * the lands, the nature and condition of the buildings and improvements on * * * the lands, and the value of the timber on * * * the lands as he may deem necessary. * * * The applications shall be filed by the Secretary of State in the order in which they are received. Each application shall be given a serial number and shall be entered on a record book on the day it is received. The record

book shall show the name of the applicant, the serial number of the application, and the county in which the property is situated.

* * *

(2) Except as otherwise provided in subsection (3) of this section, the Secretary of State, with the approval of the Governor, may dispose of any state-forfeited tax land by sealed bids after three (3) weeks' advertisement in a newspaper in the county in which * * * the land is located.

(3) The Secretary of State may sell state-forfeited tax land by online auction. The Secretary of State may establish procedures and adopt administrative rules for the sale of state-forfeited tax land by online auction.

SECTION 2. Section 29-1-85, Mississippi Code of 1972, is amended as follows:

29-1-85. If the title to any public land * * * sold by the state through the * * * State Fiscal Officer or * * * Secretary of State or by any municipality, except land forfeited to the state for the nonpayment of ad valorem taxes, shall fail, or shall have failed, the state or * * * the municipality, as the case may be, shall refund the purchase-money to its vendee or his heirs or assigns; and if no profits have been received from * * * the lands, then all taxes shall be returned also, and all fees paid, with interest at six * * * percent (6%) per annum. Except as provided in this chapter, the question of failure of title can only be determined in a suit filed in the county in which the land

is situated, and the * * * Secretary of State or the municipality, as the case may be, shall be made a party to * * * the suit. Where * * * the failure of title shall have been caused by the cancellation of a contract or a patent issued by the state, or a deed from the municipality, under the requirements of any law or decree of a chancery court of this state, directing cancellation in favor of prior purchasers, or through the failure of the state's title, or the title of the municipality, as the case may be, where * * * the failure shall have been caused by the striking of the land from the state land rolls under the requirements of any law of this state, the failure of title so caused shall not be required to be determined by decree of court.

SECTION 3. Section 29-1-87, Mississippi Code of 1972, is amended as follows:

29-1-87. (1) If the State of Mississippi, through the * * * State Fiscal Officer or * * * Secretary of State's office, has heretofore issued or shall hereafter issue a patent or patents for any lands to which the state holds no title, or which did not belong to it at the time of the issuance of such patent or patents, or any part of which land may have caved into the river before the issuance of * * * the patent or patents, or by oversight or otherwise two (2) patents may have been or may hereafter be issued therefor, the * * * Secretary of State shall investigate the case and report to the Attorney General, who, if he shall find the lands so patented did not belong to the state,


shall so report to the * * * Secretary of State. If the * * * Secretary of State shall find that such lands or any part thereof had caved into the river before the issuance of * * * the patent, or that the patentee did not acquire any land or title under * * * the patent, he shall mark * * * the patent or patents or, in case of the loss of the original, a certified copy of * * * the patents, "cancelled," and * * * refund the purchaser the amount paid to and retained by the state for * * * the cancelled patent or patents, if any. The * * * Secretary of State shall certify all * * * cancellations to the clerk of the chancery court of the county in which * * * the patents have been recorded, and * * * the clerk shall thereupon cancel the record of it. That part of the purchase price paid to * * * local governmental entities by the * * * Secretary of State shall be refunded to the purchaser of * * * the lands by the * * * local governmental entities that received the funds. Any fees paid to the local governmental entities shall be refunded to the purchaser by the recipient of the fees. When only a part of the purchase-money is refunded, it shall be first noted by the * * * Secretary of State in ink across the face of * * * the patent and then noted by the chancery clerk upon the record of patent, cancelling it in * * * that proportion only.

(2) Except as provided in this chapter, the question of failure of title can only be determined in a suit filed in the county in which the land is situated, and the Secretary of State

or municipality, as the case may be, shall be made a party to the
suit. Where the failure of title shall have been caused by the
cancellation of a contract or a patent issued by the state under
the requirements of any law or decree of a chancery court of this
state directing cancellation in favor of prior purchasers, or
through the failure of the state's title, as the case may be,
where the failure shall have been caused by the striking of the
land from the state land rolls under the requirements of any law
of this state, the failure of title so caused shall not be
required to be determined by decree of court.

SECTION 4. This act shall take effect and be in force from
and after its passage.

PASSED BY THE SENATE
February 6, 2018



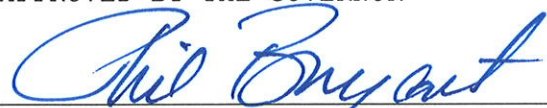
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 22, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR
March 5, 2018
11:39 AM